

Proposed Path Forward for EPA FS Key Elements Comments, July 29 Dispute Items Only

July 27, 2011

No.	Directive? ¹	Deadline, If Directive	Schedule Impact to Comply with Comment	AQ Approach In Progress?	Proposed Path Forward Based on EPA/LWG Discussions	Schedule Impact for Proposed Path Forward ²
1	Yes	July 29	None	Y	Generally follow the comment.	None
2	Yes	July 29	None	Y	Generally follow the comment.	None
4	Yes	July 29	None	Y	Generally follow the comment. Furthermore, the potential impact of dredge residuals on MNR will be evaluated in the draft FS.	None
5	First sentence only is directive	July 29	None	Y	Generally follow the comment. It was further clarified that LWG will provide EPA with the model code and input files, and as a result, no working session as discussed in Comment 6 is required.	None
14	No (but EPA really wants it addressed)	July 29	None	Y	Generally follow the comment.	None
15	The first sentence only is directive	July 29	Large impact – at minimum several weeks (duration subject to comment clarification)	N	Edit second to last sentence to say “The FS should present a preference for dredging in areas exceeding RALs at depth for some alternatives since these are likely potential sources of surface contamination.”	None
16	Yes	July 29	2-3 weeks	N	EPA will consider further LWG’s proposed approach to use more specific engineering factors that achieve the same overall scaling factor that EPA recommended.	Dependent on EPA Further Consideration (expected 7/27)
17	Yes	July 29	Large impact – at minimum several weeks (duration subject to comment clarification)	N	EPA clarified that removal in Hot Spot or PTM areas does not need to attain lower concentrations than non-Hot Spot or PTM areas. EPA also clarified that other factors of highly mobile or not reliably containable should be considered in determining the extent of removal in these areas.	None
18	Yes	July 29	Large impact – at minimum several weeks (duration subject to comment clarification)	N	The option of providing structure removal cost factors without LWG making determinations of where they should be applied was discussed. This option is consistent with the FS Tools Memo resolutions, which indicated dock removal would not be included in detailed cost estimates for each alternative. EPA will further consider this option.	Dependent on EPA Further Consideration (expected 7/27)
19	Yes	July 29	2-4 weeks (duration subject to comment clarification)	N	The FS will simply state the steepness of slope that was judged to not be feasible for capping and indicate that substantial areas of such slopes do not exist at the Site.	None
21	Yes	July 29	Impact related to	N	EPA indicated agreement with using the existing full range of	Dependent on EPA

Do Not Quote or Cite – This document is currently under review by US EPA and its federal, state and tribal partners, and is subject to change in whole or part

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			when additional information will be provided		mitigation unit costs proposed by LWG absent any additional information from NMFS and subject to verification with Erin Madden.	Further Verification (<u>expected 7/27</u>)
22	Yes	July 29	None	Y	Generally follow the comment.	
23	Only the 3rd and 4th sentences are directive	July 29	4-12 weeks	N	EPA clarified that the 3 rd and 4 th sentences direct an evaluation of minimization measures but do not require determination of specific costs of such measures. EPA also clarified that the last sentence was not directive, but the LWG should carefully consider adding any information possible about the actual impacts of minimization measures on the alternative cost estimates.	None
25	Yes	July 29	None	Y	Generally follow the comment.	None
27	Yes	July 29	None (given that the LWG does not request a follow up meeting)	Y	EPA clarified that a meeting to discuss Hot Spot methods is not necessary.	None

1 – EPA clarified in a conference call on July 26 the directive nature (or not) of comments as noted here.

2 – Schedule impacts do not include time for discussions/resolutions of additional comments that have not been resolved yet. However, if EPA agrees to all of the paths forward in this table (which has yet to be fully determined) there is no impact to the schedule from these comments.